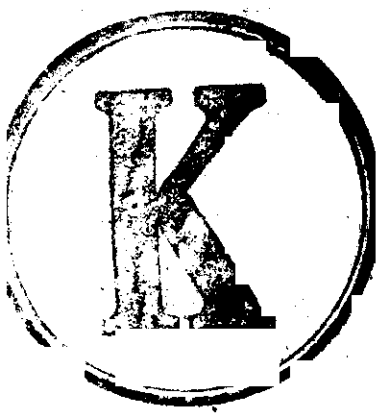

1943

**File No.** Medical Practitioners II/43
Legal Department
B. BRANCH

**Subject:—**

'Rules and Notifications under the Bombay Medical Practitioners Rules, 1939

File No. Medical Practitioners II/43

12/E

Office of the R.L.A.

A revised draft notification is sent herewith.

Id/- H.K.D. 29/1

for Remembrancer of Legal Affairs.

U.R. to G.D., No. 745, dated the 29th January 1943.

KAH/16-7.
4 c.

18/1

K.J.R.
18/1

Bombay Medical Practitioners' Act, 1938.

NOTIFICATION.
General Department.
Bombay Castle, January 1943.

No.2970/33.- The following names of persons, elected to the Board of Indian Systems of Medicine, Bombay, in accordance with the provisions of the proviso to clause (iii) of sub-section (2) of section 3 of the Bombay Medical Practitioners' Act, 1938 (Bom. XXVI of 1938) are published, as required by rule 8 of the Bombay Medical Practitioners' Rules, 1939, for general information:-

(1) Vaidya Vamanrao Dinanath, Bombay.
(2) Vaidya Joshi Sunderlal Nathalal, Nadiad.
(3) Vaidya Pandit Bindumadhav Ganesh, Ahmednagar.
(4) Vaidya Kavade Krishnachastri Narayan, Poona.
(5) Hakim Shamsul Islam Abdur Rashid, Bombay.
(6) Hakim Abdurrehman Abdurrasul, Hubli.

By order of the Governor of Bombay,

Secretary to Government.

KAH/16-7.
4 c.

NOTIFICATION.

General Department.

Bombay Castle, January 1943.

No. 3334/33.- The following draft of a notification which it is proposed to issue in exercise of the powers conferred by section 29 of the Bombay Medical Practitioners Act, 1938 (Bom. XXVI of 1938), is published as required by sub-section (1) of the said section 29 for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration by the Government of Bombay on or after 1943.

The Bombay Medical Practitioners Act.

2. Any objections or suggestions which may be received by the Secretary to the Government of Bombay, General Department, from any person with repsect to the said draft before the date aforesaid will be considered by Government.

Draft Notification.

No. .- In exercise ofx the powers conferred by section 29 of the Bombay Medical Practitioners Act, 1938 (Bom. XXVI of 1938), the Government of Bombay is pleased to amend the Bombay Medical Practitioners Rules, 1939, as follows, namely:-

For rule 62 of the said rules, the following rule shall be substituted,

namely:-

"62 The appointment of the Registrar shall be on probation for the first two years, after which he will be confirmed, by the Board, with the previous approval of Government, if the Board is satisfied as to his efficiency and general conduct. The probationery period may, however, be further extended by one year, if considered necessary by the Board."

By order of the Governor of Bombay,

Joint Secretary to Government.

KAH/16-7.
4 c.

Office of the R.L.A.

A revised draft notification is sent herewith.

2. The rule proposed by the G.D. conflicts with section 14 of the Bombay Medical ractitioners Act, 1938 inasmuch as the appointment of the Registrar under that section is to be made by the Board with the previous approval of Government; while the proposed rule provides that the candidate will be confirmed by Government if Government is satisfied as to his efficiency and general conduct. Similarly, it should be the Board and not Government who should consider whether a further period of probation is necessary or not.

Id/- P.N.H.

Remembrancer of Legal Affairs.

U.R. to G.D. No.744, dated the 29th January 1943.

KAN/16-7.
4 c.

Office of the R.L.A.

he draft notification at page 69, as slightly amended, is in order.

Id/- N.K.D.

For Remembrancer of Legal Affairs.

U.R. to G.D., No.57-Confl., dated 3rd February 1943.

KAN/16-7.
4 c.

Notification.

General Department.

Bombay Castle, February 1933.

Bombay Medical Practitioners' Act, 1938.

No.2970/33.- In exercise of the powers conferred by the proviso to sub-section (2) of section 3 of the Bombay Medical Practitioners Act, 1938 (Bom. XXVI of 1938), hereinafter called the said Act, the Government of Bombay is pleased to nominate Dr.R.H.Bhadkamkar, M.A., M.D., as President of the Board of Indian Systems of Medicine, Bombay, for the second term.

2. In exercise of the powers conferred by clause (ii) of sub-section (2) of section 3 of the said Act, the Government of Bombay is pleased to nominate the following persons to be members of the said Board:-

(1) Ayurvedacharya Asa Nand Panjratan M.B.B.S. (Pb.), Principal. Rambilas Anandilal Poddar Medical College (Ayurvedic), Worli, Bombay.

(2) Vaidya Vasudeo Maheshwar Bakare, Belgaum.

(3) Mr.Moro Narayan Agashe, M.B.B.S., Satara.

(4) Shifa-Ul-Mulk Hakim Rashid Ahmed Khan, General Secretary and Principal of the Tibbia College, Bombay.

(5) Shifa-Ul-Mulk Mir Sarfraz Husein, Surat.

(6) Mr.Damodardas V.Mehta, Solicitor, Bombay.

By order of the Governor of Bombay,

R.S.Rani,

Joint Secretary to Government.

KAN/16-7 .
4 c.

Office of the R.L.A.

The R.L.A. is requested to advise whether the draft letter at page 15 ante is legally in order.

2. Under Government Notification No.3854/33, dated 7th September 1942 the Tilak Maharashtra Vidyapeeth, Poona, has been authorised on the recommendation of the Board of Indian Systems of Medicine, Bombay, to hold in the year beginning from 20th June 1942 and ending with 19th June 1943 the qualifying examination and the examination prior to the qualifying examination in the Ayurvedic System of Medicine in accordance with the regulations published in Government Notification, General Department, No.4124/33, dated the 17th December 1940. Section 2(7) of the Bombay Medical Practitioners' Act, 1938, defines a qualifying examination as meaning the examination held for the purpose of granting a diplomam conferring the right of registration under the Act. Section 22(2) of the Act provides that a qualifying examination shall be an examination in the Indian systems of Medicine including the subjects of medicine, surgery and midwifery held for the purpose of granting a diplomam conferring the right of registration under Part II of the Act by any of the institutions which on the recommendation of the Board may be specified by the Provincial Government by a notification in the Official Gazette as being authorised to hold a qualifying examination. Section 35 of the Act prescribes inter alia that no person other than a body or institution authorised under section 22 shall confer, grant or issue any diploma which is identical with or is a colourable imitation of any diploma granted by a body or institution authorised under the Act. It would follow

from these provisions that the Tilak Maharashtra Vidyapeeth which has been authorised to hold the qualifying examination in accordance with the regulations under section 22, has a right to grant a diploma on the persons who pass the qualifying examination held by it and in the absence of any provision in the Act restricting its right to the grant of any particular diplomas the institution can grant any diploma it likes. The position stated in the G.D. draft letter at page 15 ante is correct. The G.D. draft letter as slightly amended is legally in order.

Id/- P.H.M. 10/2

Remembrancer of Legal Affairs.

U.R. to G.D. No.1038, dated the 10th February 1943.

KAN/16-7.
4 c.

Office of the R.L.A.

As the expression "related to it" in the said clause does not bring out the meaning clearly the expression "attached to it for the purpose of imparting practical training to its students" has been substituted for it.

Id/-P.W.24. 11/3

Remembrancer of Legal Affairs.

U.R. to G.D. No.1842 dated the 12th March 1943.

KAN/16-7.
4 c.

Notification.

GENERAL DEPARTMENT.

Bombay Castle, March 1943.

Bombay Medical Practitioners' Act, 1938.

No. 4124/33.- The following amendments made by the Board of Indian systems of medicine, Bombay, with the previous sanction of the Government of Bombay, under sub-section (1) of section 30 of the Bombay Medical Practitioners' Act, 1938 (Bom. XXVI of 1938) to the regulations for the grant of recognition to teaching institutions, published in Government Notification in the General Department, No.4124/33, dated the 7th January 1942, are hereby published as required by sub-section (2) of the said section 30 :-

In regulation 2 of the said regulations for clauses (d) and (i) the following clauses shall respectively be substituted:

"(d) that,

(i) in the case of an Ayurvedic teaching institution, it possesses its own laboratories for Physics, Chemistry, Biology, Physiology and Pathology, a dissection hall for Anatomy and facilities for practical training in Pharmacy, and has under its control or attached to it for the purpose of imparting practical training to its students a hospital or hospitals with at least forty beds out of which ten beds are allocated to surgical and ten beds to maternity cases;

(ii) In the case of a Unani teaching institution, it possesses its own laboratories for Chemistry and Physiology, a dissection hall for Anatomy and facilities for

practical training in Pharmacy, and has under its control or attached to it for the purpose of imparting practical training to its students a hospital or hospitals with at least thirty beds out of which ten beds are allocated to surgical and five beds to maternity cases.

Note.- The laboratories, dissection halls and hospitals shall be so equipped as to be sufficient for the practical training required under the regulations prescribing the course of study for training.

(i) that the number of students admitted per year does not exceed -

(i) in the case of any Ayurvedic teaching institution, the number calculated in the proportion of two students for three beds; and

(ii) in the case of an Unani teaching institution, the number calculated in the proportion of one student for one bed."

By order of the Governor of Bombay,

Secretary to Government.

KMN/16-7.
4 c.

Office of the R.L.A.

A revised draft notification is sent herewith. It is presumed the proposed exemptions is to be given to medical practitioners of Norwegian nationality, who possess the qualifications prescribed by the Norwegian Government in London for medical practitioners (cf.page 3 ante).

Id/- P.N.M. 19/6

Remembrancer of Legal Affairs.

U.R. to G.D., No. 4351, dated the 21st June 1943.

KAN/16-7.
4 c.

NOTIFICATION.

General Department.

Bombay Castle, June 1943.

Bombay Medical Practitioners Act, 1938.

No. 3330/33.- In exercise of the powers conferred by the proviso to section 32 of the Bombay Medical Practitioners' Act, 1938 (Bom. XXVI of 1938), the Government of Bombay is pleased to direct that during the continuance of this war and for a period of six months thereafter, the provisions of section 32 of the said Act shall not apply, to the medical practitioners of Norwegian Nationality -

(a) who are employed in the City of Bombay by the Norwegian Government in London; and

(b) whose practice is restricted to crews who serve ~~of~~ have served on Norwegian ships, or to Norwegian subjects; and

(c) who hold such qualifications as are prescribed by the said Norwegian Government in London for medical practitioners.

By order of the Governor of Bombay,

Secretary to Government

N/16-7.
c.

NOTIFICATION.

General Department.

Bombay Castle, October 1943.

Bombay Medical Practitioners Act, 1938.

No. 3334/33/B.- In exercise of the powers conferred by the proviso to section 32 of the Bombay Medical Practitioners' Act, 1938 (Bom. XXVI of 1938), the Government of Bombay is pleased to direct that the provisions of the said section 32 shall not apply to the following classes of persons, namely:-

(1) Persons who applied between the 4th November 1941 and the 1st October 1943 to the Registrar of the Board of Indian Systems of Medicine under sub-section (2) of section 16 of the said Act for having their names entered in the register of practitioners kept under sub-section (1) of the said section 16 or under clause (b) of section 18 of the said Act for having their names entered in the list maintained under clause (a) of the said section 18 and who are declared by the said Board to be fit for practice; and

(2) Persons who before the 4th November 1941 passed an examination which is in the opinion of the said Board sufficient to qualify them to practice and who applied between the 4th November 1941 and the 1st October 1943 to the said Registrar under the proviso to sub-section (2) of section 16 of the said Act for having their names entered in the register kept under sub-section (1) of section 16 of the said Act and who are declared by the said Board to be fit for practice.

By order of the Governor of Bombay,

Secretary to Government.

Office of the R.L.A.

From Secretary, G.D.'s note dated 24th September 1943 at page 8 ante it appears that the intention is to exempt from the operation of section 32 of the Bombay Medical Practitioners Act persons who applied for registration or enlistment after the due date, and whose applications are still pending. In its note dated 30th September at pages 11-13 ante G.D. has pointed out that the proviso to section 16(2) of the Act permits registration of three separate categories of persons, but since the Board's recommendation is only confined to one category viz. those who have passed a recognised examination, the fact may be brough. to the notice of A(E). In its next note dated 7th October 1943 at pages 16-17 ante G.D. states that hundreds of applications have been received particularly for registration under section 16(2) and that since it will not be desirable to give mass exemptions it might be necessary to exempt only such persons who applied between the period 4th November 1941 and 1st October 1943 and who are considered by the Board to be fit to practise. The notes recorded by G.D. office are not seen by Secretary, G.D. or by A(E) and no final orders have been passed as to the class of persons who should be exempted from the operation of section 32. G.D. should obtain the final orders in this case and then state the precise point for R.L.A.'s opinions and/or send the requisite draft notification under section 32 for R.L.A.'s scrutiny.

Id/- P.M.M. 20/10

Remembrancer of Legal Affairs.

U.R. to G.D. No.7016 dated the 21st October 1943.